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In re Application of	:	
SANFILIPPO, James, J. et al.	:	
Application No.: 10/590,100	:	DECISION ON
PCT No.: PCT/US2005/005006	:	
Int. Filing Date: 17 February 2005	:	PETITION
Priority Date: 17 February 2004	:	
Attorney Docket No.: 4700/78	:	UNDER 37 CFR 1.182
For: FLEXIBLE BAGS WITH LOCATORS	:	

This decision is in response to applicant's petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 13 August 2007.

BACKGROUND

On 17 February 2005, applicant filed international application PCT/US2005/005006, which claimed a priority date of 17 February 2004. The deadline for entry into the national stage in the United States was thirty months from the priority date, 17 August 2006.

On 17 August 2006, applicant submitted a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee and a declaration of the inventors.

On 10 April 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration and the surcharge for late filing of the oath or declaration. The Notification indicated that the declaration listed John E. Sanfilippo (*sic.*) who was not listed on the international publication.

On 27 April 2007, applicants filed a second copy of the earlier filed declaration as a new application. The submission was assigned application no. 11/718,212.

On 15 July 2007, the Office mailed Notification, indicating that the second submission of the declaration had been located, but that a petition under 37 CFR 1.182 was required to relocate the papers to the correct application.

On 13 August 2007, applicant submitted this petition under 37 CFR 1.182.

DISCUSSION

The 27 April 2007 submission was misdirected and filed as a new application rather than as a submission for 10/590,100. Applicants have supplied a petition under 37 CFR 1.182 and petition fee of \$400 to relocate the papers. The papers have been relocated.

CONCLUSION

For the reasons discussed above, the petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.



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